

106TH CONGRESS
2D SESSION

H. R. 4963

To amend the Labor-Management Reporting and Disclosure Act of 1959.

IN THE HOUSE OF REPRESENTATIVES

JULY 26, 2000

Mr. BOEHNER introduced the following bill; which was referred to the
Committee on Education and the Workforce

A BILL

To amend the Labor-Management Reporting and Disclosure
Act of 1959.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CON-**
4 **TENTS.**

5 (a) SHORT TITLE.—This Act may be cited as the
6 “Democratic Rights for Union Members Act of 2000”.

7 (b) REFERENCES.—Whenever in this Act an amend-
8 ment is expressed in terms of an amendment to, or repeal
9 of, a section or other provision, the reference shall be con-
10 sidered to be made to that section or other provision of

1 the Labor-Management Reporting and Disclosure Act of
2 1959 (29 U.S.C. 401 et seq.).

3 **SEC. 2. FINDINGS AND PURPOSES.**

4 (a) FINDINGS.—The Congress finds the following:

5 (1) The labor movement derives its strength
6 from democracy and unions lacking true democracy
7 cannot serve in full measure their economic, social,
8 and political function in a democratic society.

9 (2) Union officers should recognize that unions
10 belong to rank-and-file members and strive to re-
11 spond to their wishes on issues of policymaking and
12 decisionmaking.

13 (3) Authoritarian control of unions is contrary
14 to the spirit, traditions, and principles that should
15 guide the labor movement.

16 (b) PURPOSES.—The purposes of the amendments
17 made by this Act are—

18 (1) to strengthen the Labor-Management Re-
19 porting and Disclosure Act of 1959 to protect and
20 promote democratic processes and democratic rights
21 of union members;

22 (2) to ensure that labor organizations exist to
23 express the will of the members; and

1 (3) to further empower union members and
2 make labor organizations institutions by which work-
3 ers truly govern themselves.

4 **SEC. 3. INFORMATION.**

5 (a) IN GENERAL.—Section 105 (29 U.S.C. 415) is
6 amended by adding at the end the following: “A labor or-
7 ganization shall provide such information—

8 “(1) to each new member within 90 days after
9 the member has joined the labor organization; and

10 “(2) periodically to all members in a manner
11 which the Secretary of Labor determines will pro-
12 mote a fuller understanding of the member’s rights
13 and judicial remedies under this Act.”.

14 (b) ENFORCEMENT.—Section 102 (29 U.S.C. 412) is
15 amended—

16 (1) by striking “Any person” and inserting “(a)
17 Except as provided in subsection (b), any person”;
18 and

19 (2) by adding at the end the following:

20 “(b) Upon the written complaint of any member of
21 a labor organization alleging that such organization has
22 violated section 105, the Secretary shall investigate the
23 complaint and if the Secretary finds probable cause to be-
24 lieve that such violation has occurred and has not been
25 remedied, the Secretary shall, without disclosing the iden-

1 tity of the complainant, bring a civil action in any district
 2 court of the United States having jurisdiction of the labor
 3 organization for such relief (including injunctions) as may
 4 be appropriate.”.

5 **SEC. 4. TRUSTEESHIPS.**

6 (a) PURPOSES OF ESTABLISHMENT OF TRUSTEE-
 7 SHIP.—Section 302 (29 U.S.C. 462) is amended—

8 (1) by inserting “(a)” before “Trusteeships”;
 9 and

10 (2) by adding at the end the following:

11 “(b)(1) Except as provided in paragraph (2), a trust-
 12 eeship may be authorized only after a fair hearing either
 13 before the executive board or such other body as may be
 14 provided by the constitution and bylaws of the labor orga-
 15 nization and only if, in such hearing, the labor organiza-
 16 tion establishes by the preponderance of evidence that the
 17 trusteeship is necessary for a purpose allowable under this
 18 section.

19 “(2) Where immediate action is necessary to fulfill
 20 the purposes of this section, a temporary trusteeship may
 21 be established, for not more than 30 days, pending a hear-
 22 ing under paragraph (1).”.

23 (b) ENFORCEMENT.—Section 304(c) (29 U.S.C.
 24 464(c)) is amended to read as follows: “Eighteen months
 25 after the authorization of a trusteeship, such trusteeship

1 shall be presumed invalid in any proceeding pursuant to
2 this section and its discontinuance shall be decreed unless
3 the labor organization shall show by clear and convincing
4 proof that the continuation of the trusteeship is necessary
5 for a purpose allowable under section 302. In the latter
6 event the court may dismiss the complaint or retain juris-
7 diction of the cause on such conditions and for such period
8 as it deems appropriate.”

9 (c) DISSOLUTION OF TRUSTEESHIP.—Section 304
10 (29 U.S.C. 464) is amended by adding at the end the fol-
11 lowing:

12 “(d) Upon dissolution of a trusteeship, the previously
13 elected officers of the local union shall be reinstated or
14 a new election promptly held in conformity with title IV.
15 If the trusteeship is dissolved by order of a court pursuant
16 to this title, and the court orders an election, such election
17 shall be conducted under the supervision of the court.”.

18 **SEC. 5. ELECTIONS**

19 (a) MEMBERSHIP LISTS.—Section 401(c) (29 U.S.C.
20 481(c)) is amended by striking “to inspect a list” and in-
21 serting “to inspect and, upon request, to be provided with
22 a copy of a list”

23 (b) DISTRICT COUNCIL OFFICERS.—Section 401(d)
24 (29 U.S.C. 481(d)) is amended to read as follows:

1 “(d) Officers of intermediate bodies, such as general
 2 committees, system boards, joint boards or joint councils
 3 who engage in negotiation, administration or enforcement
 4 of collective agreements, or exercise control over the fi-
 5 nances or other major functions of local unions, shall be
 6 elected not less often than once every 4 years by secret
 7 ballot among members in good standing. Officers of other
 8 intermediate bodies may be elected by representatives of
 9 such members who have been elected by secret ballot.”.

10 (c) QUALIFICATIONS.—Section 401(e) (29 U.S.C.
 11 481(e)) is amended by striking “and to reasonable quali-
 12 fications uniformly imposed” and by inserting after “eligi-
 13 ble to be a candidate” the following: “(subject to reason-
 14 able qualifications which do not exclude a majority of the
 15 members and which are uniformly imposed)”.

16 (d) OVERTURNING.—Section 402(c)(2) (29 U.S.C.
 17 482(c)(2)) is amended by striking “affected the outcome
 18 of an election” and inserting “substantially understated
 19 or overstated the support of one of the candidates for of-
 20 fice to the point that the democratic purposes of the elec-
 21 tion were undermined”.

22 **SEC. 6. REGULATIONS.**

23 Not later than 6 months after the date of the enact-
 24 ment of this Act, the Secretary of Labor shall review and
 25 revise all regulations promulgated before such date to im-

1 plement the amendments made in this Act to the Labor-
2 Management Reporting and Disclosure Act of 1959.

3 **SEC. 7. EFFECTIVE DATE.**

4 The amendments made by this Act shall take effect
5 180 days after the date of the enactment of this Act.

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